

# **Recommendations for Ticketing Violations of Title 7, Sec. 656 (PMB)**

## **Background**

In 2000, the General Assembly enacted changes to the PMB law (7 VSA, Section 656). The intent of that legislation was to change violations of underage possession and consumption of alcohol to a civil ticket from a criminal violation, requiring substance abuse screening and to encourage more minors to participate in the Teen Alcohol Safety Program (TASP), which court diversion organizations administer.

Further changes to the statute were enacted in the 2003 legislative session, which became effective on October 1, 2003. The Court Administrator's Office convened a group of representatives from Court Diversion, the Judicial Bureau, State's Attorneys, Courts, State Police, local law enforcement, and the Departments of Alcohol and Drug Prevention, Liquor Control, Motor Vehicle, and Public Safety to form procedures in the implementation of this legislation. Since that time, this committee has studied the impact this legislation has made, trends in underage drinking violations and the issue of minors successfully completing the TASP, but who continue to receive repeated violations of 7 VSA, Section 656.

## **Statement of Problem**

Since the most recent legislative changes, there has been an increase of tickets that are being issued for PMB violations. For example, in 2004, court diversion programs were referred **3,923** PMB violations/tickets. In addition, a large percentage of those minors that have been ticketed enroll in the TASP. However, multiple violations are occurring, despite the intent of the law of giving offenders limited opportunities for a clean record.

To address this issue, the 656 Implementation committee has created a secure database in the Attorney General's Office that will enable law enforcement to and court diversion programs to efficiently track all violations of PMB. Dispatchers and police department administrative staff have received training on how to access the database and look up previous offenses.

## **Ticketing Protocol for PMB Violations**

The 656 Implementation committee is strongly urging, if your State's Attorney agrees with this policy, that **law enforcement should issue a citation under Title 7, Sec. 657, if more than two PMB (Sec. 656) tickets have already been issued. Do not refer offenders with two prior violations to the TASP (local diversion program).**

For further information on the database, ticketing protocol or other information about PMB violations, please contact one of the following people:

Charles Satterfield, Governor's Highway Safety Program, 241-5523

John Flannigan, Vermont State Police, 878-7111

Willa Farrell, Court Diversion Director, Office of the Attorney General, 828-1360